UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

JOSEPH A. MCCLANEY, III

Debtor.

CHAPTER 13
CASE NO. 12-20589

OBJECTION TO CLAIM
NOTICE OF HEARING AND ORDER

NOTICE

NOTICE is hereby given of the objection by Joseph A. McClaney, III to your claim in the Western District of New York. A hearing on the objection will be held before the Hon. Paul R. Warren, U.S. Bankruptcy Court Judge, at the U.S. Courthouse, 100 State Street, Rochester, New York 14614, on April 18, 2013, at 11:30 a.m., only if a written request for a hearing is filed by the claimant as outlined below.

"PURSUANT TO FRBP 9014 AND THE STANDING ORDERS IMPLEMENTING DEFAULT PROCEDURES IN ROCHESTER AND WATKINS GLEN; IF YOU INTEND TO OPPOSE THE MOTION, AT A MINIMUM, YOU MUST SERVE: (1) THE MOVANT AND MOVANT'S COUNSEL, AND (2) IF NOT THE MOVING PARTY (A) THE DEBTOR AND DEBTOR'S COUNSEL; AND (B) IN A CHAPTER 11 CASE, THE CREDITORS' COMMITTEE AND ITS ATTORNEY, OR IF THERE IS NO COMMITTEE, THE 20 LARGEST CREDITORS; AND (C) ANY TRUSTEE. IN ADDITION, YOU MUST FILE WITH THE CLERK OF THE BANKRUPTCY COURT WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THE MOTION NOTWITHSTANDING THE DECEMBER 1, 2009 AMENDMENTS TO FRBP 9006(a). IN THE EVENT THAT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION UNOPPOSED."

IF YOU OPPOSE THE OBJECTION TO YOUR CLAIM, YOU MAY WANT TO ATTEMPT TO RESOLVE AND SETTLE THE CLAIM OBJECTION PRIOR TO FILING WRITTEN OPPOSITION AND AVOID THE NEED FOR AN ATTORNEY AND/OR A COURT APPEARANCE.

OBJECTION TO CLAIM

The Objecting Party objects to the following claim in this case:

Claimant Name: City of Rochester

Claim #: 17   Amount $ 29,065.92 (secured)   Date: 12/19/12

DETAILED BASIS OF OBJECTION INCLUDING GROUNDS FOR OVERCOMING ANY PRESUMPTION UNDER RULE 3001(f): Claim filed late subsequent to government bar date of October 3, 2012, is not allowable as an unsecured claim for any deficiency balance.

Dated: March 8, 2013

Joseph A. McClaney, III
Objecting Party(ies)
By:
Address: David H. Ealy, Esq.
Two State Street, Suite 1000
Rochester, New York 14614

This Notice and Objection are being sent to the Debtor, Debtor's Attorney, Chapter 7, 11 or 13 Trustee, United States Trustee, Claimant, Claimant's Attorney (if known) or person designated as Power of Attorney, and any Creditors' Committee or Attorney for the Creditors' Committee.

ORDER

JOSEPH A. MCCLANEY, III

CHAPTER 13

CASE NO. 12-20589

Debtor.

There having been no opposition to the herein objection to claim #17 of City of Rochester for a collection account in the amount of $29,065.92, and the Court having considered the objection and determined the sufficiency of the claim, it is hereby

ORDERED the claim is:

____ DISALLOWED

____ ALLOWED AS A TIMELY FILED CLAIM

____ ALLOWED AS A TARDILY FILED CLAIM IN THE AMOUNT OF $_________.

__X_ OTHER (Complete if applicable.): **DISALLOWED AS UNSECURED CLAIM**

DATED: ____________________

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PAUL R. WARREN
U.S. BANKRUPTCY JUDGE